

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 NEWMARK GROUP, INC., G&E
5 ACQUISITION COMPANY, LLC, and BGC
REAL ESTATE OF NEVADA, LLC,

6 Plaintiffs,

7 v.

8 AVISON YOUNG (CANADA) INC.;
9 AVISON YOUNG (USA) INC.; AVISON
YOUNG-NEVADA, LLC, MARK ROSE,
10 THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
11 1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

12 Defendants.

Case No. 2:15-cv-00531-RFB-EJY

ORDER

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14 Before the Court is Plaintiffs' Motions for Leave to Seal Exhibits to Plaintiff's Motion for
15 Leave to (1) Reopen Written Discovery to Issue Supplemental Interrogatories and Document
16 Requests Regarding Newly Discovered Evidence and (2) Depose Kimberly Krugman without
17 Reducing Their Allotted Deposition Time. ECF Nos. 452 and 453. No opposition to this Motion
18 was filed.

19 As the party seeking to seal a judicial record, Plaintiffs must meet their burden of overcoming
20 the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City*
21 *and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to
22 maintain the secrecy of documents attached to dispositive motions must meet the high threshold of
23 showing that "compelling reasons" support secrecy). However, where a party
24 seeks to seal documents attached to a non-dispositive motion, the "public policies that support the
25 right of access to dispositive motions ... do not apply with equal force" *Kamakana*, 417 F.3d
26 at 1179 (citation omitted).

27 The mere fact that the production of records may lead to a party's embarrassment,
28 incrimination, or exposure to further litigation will not alone compel the court to seal its

1 records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Compelling
2 reasons require a demonstration of something more, such as when court files have become a vehicle
3 for improper purposes, including use of records to gratify private spite, promote public scandal,
4 disseminate libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'ns*, 435 U.S.
5 589, 598 (1978).

6 The Court considered Plaintiffs' Motion and the documents sought to be sealed. The Court
7 finds Exhibits 15, 18, 19, and 20 are properly sealed. The exhibits contain confidential and
8 proprietary information the disclosure of which may lead to misuse and harm to the parties.

9 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Motions for Leave to Seal Exhibits
10 to Plaintiff's Motion for Leave to (1) Reopen Written Discovery to Issue Supplemental
11 Interrogatories and document Requests Regarding Newly Discovered Evidence and (2) Depose
12 Kimberly Krugman without Reducing Their Allotted Deposition Time (ECF Nos. 452 and 453) are
13 GRANTED.

14 IT IS FURTHER ORDERED that Exhibits 15, 18, 19, and 20 to Plaintiff's Motion for Leave
15 to Reopen Written Discovery and Depose Kimberly Krugman (ECF No. 451) shall remain sealed.

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17 DATED this 24th day of June, 2021.

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21 ELAYNA J. YOUCHAH
22 UNITED STATES MAGISTRATE JUDGE
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